

COMPLAINT TRANSMITTAL COVERSHEET

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the Uniform Domain Name Dispute Resolution Policy (the **Policy**) approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**) approved by ICANN on October 30, 2009, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**).

The Policy is incorporated by reference into your Registration Agreement with the Registrar(s) of your domain name(s), in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to a dispute resolution service provider, such as the Center, concerning a domain name that you have registered. You will find the name and contact details of the **Complainant**, as well as the domain name(s) that is/are the subject of the Complaint in the document that accompanies this Coversheet.

You have no duty to submit a Response to the Complaint until you have been formally Notified of the Complaint and Commencement of Administrative Proceedings by the Center. Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules and the Supplemental Rules, it will forward an official copy of the Complaint, including annexes, to you by e-mail as well as sending you hardcopy Written Notice by post and/or facsimile, as the case may be. You will then have 20 calendar days from the date of Commencement within which to submit a Response to the Complaint in accordance with the Rules and Supplemental Rules to the Center and the Complainant. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

- The **Policy** can be found at <http://www.icann.org/en/dndr/udrp/policy.htm>
- The **Rules** can be found at <http://www.icann.org/en/dndr/udrp/uniform-rules.htm>
- The **Supplemental Rules**, as well as other information concerning the resolution of domain name disputes can be found at <http://www.wipo.int/amc/en/domains/supplemental/eudrp/>
- A **model Response** can be found at <http://www.wipo.int/amc/en/domains/respondent/index.html>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone at +41 22 338 8247, by fax at +41 22 740 3700 or by e-mail at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide an alternate e-mail address to which you would like (a) the Complaint, including Annexes and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registrar(s) with which the domain name(s) that is/are the subject of the Complaint is/are registered.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules and Supplemental Rules.

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

RON PAUL
122 West Way, Suite 301
Lake Jackson, TX 77566

(Complainant)

-v-

WHOIS PRIVACY SERVICES PTY LTD
DOMAIN HOSTMASTER, CUSTOMER
ID : 95459852061642-
lef430@whoisprivacyservices.com.au
PO Box 923
Fortitude Valley, QLD 4006 AU

REGISTRANT ID:TNTN-0000000002
WHOIS PRIVACY SERVICE
PO BOX 501610
San Diego, CA 92150-1610

(Respondents)

Disputed Domain Name(s):

<RONPAUL.COM>
<RONPAUL.ORG>

COMPLAINT

I. Introduction

- [1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on October 30, 2009, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**).

II. The Parties

A. The Complainant

- [2.] The Complainant in this administrative proceeding is the Honorable Ron Paul ("Ron Paul"), a member of the U.S. House of Representatives for the 14th Congressional District of Texas.

[3.] The Complainant's contact details are:

Address: LeClairRyan, A Professional Corporation
c/o J. Douglas Cuthbertson
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
Telephone: (703) 647-5925
Fax: (703) 647-5975
E-mail: Douglas.Cuthbertson@leclairryan.com

[4.] The Complainant's authorized representatives in this administrative proceeding are:

David A. Warrington
LeClairRyan, A Professional Corporation
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
(703) 647-5926 Direct
(703) 647-5966 Fax
David.Warrington@leclairryan.com

J. Douglas Cuthbertson
LeClairRyan, A Professional Corporation
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
(703) 647-5925 Direct
(703) 647-5975 Fax
Douglas.Cuthbertson@leclairryan.com

Elina E. Kharit
LeClairRyan, A Professional Corporation
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
(703) 647-5907 Direct
(703) 647-5977 Fax
Elina.Kharit@leclairryan.com

[5.] The Complainant's preferred method of communications directed to the Complainant in this administrative proceeding is:

Electronic-only material

Method: e-mail
Address: Douglas.Cuthbertson@leclairryan.com
Contact: J. Douglas Cuthbertson

Material including hardcopy (where applicable)

Method: post/courier
Address: LeClairRyan, A Professional Corporation
c/o J. Douglas Cuthbertson
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
Fax: (703) 647-5975
Contact: J. Douglas Cuthbertson

B. The Respondents

- [6.] According to the concerned registrars' Whois databases, the Respondents in this administrative proceeding are:

As to <RonPaul.com>: Whois Privacy Service Pty Ltd, Domain Hostmaster
Customer ID : 95459852061642-lef430@whoisprivacyservices.com.au, PO Box 923,
Fortitude Valley, QLD 4006 AU.

As to <RonPaul.org>: Registrant ID:TNTN-0000000002, Whois Privacy Service,
PO BOX 501610, San Diego, CA 92150-1610.

Copies of the printouts of the database searches conducted on February 6, 2013 are provided as Annex 1.

- [7.] All information known to the Complainant regarding how to contact the Respondents is as follows:

Whois Privacy Services Pty Ltd
Domain Hostmaster, Customer ID : 95459852061642
Email: 95459852061642-lef430@whoisprivacyservices.com.au
PO Box 923
Fortitude Valley QLD 4006 AU
Phone: +61.730070090
Fax: +61.730070091

Registrant ID:TNTN-0000000002
Whois Privacy Service
PO BOX 501610
San Diego, CA 92150-1610
Phone:+1.6193932111
Email: privacy@emailaddressprotection.com

"George R." <georger1776@gmail.com> and "Tim Martin"
<grassroots@ronpaul.com> have been used successfully in the course of pre-complaint dealings.

The e-mail address grassroots@ronpaul.com is shown on the <RonPaul.com> website.

III. The Domain Name(s) and Registrar(s)

- [8.] This dispute concerns the domain names identified below:

<RonPaul.com>, which was registered on November 22, 2000.
<RonPaul.org>, which was registered on July 28, 1999.

- [9.] The registrars with which the domain names are registered are:

As to <RonPaul.com>:

Fabulous.com

Office Address:

Fabulous.com Pty Ltd
Level 1, 91 Bridge Street
Fortitude Valley QLD 4006

Postal Address:

PO Box 757
Fortitude Valley QLD 4006
Australia

Telephone: +61 7 3007 0070

Fax: US Residents: 1800-289-5991
Outside US: + 61 7 3007 0075

Email: support@fabulous.com

As to <RonPaul.org>:

TierraNet

Company Headquarters:

14284 Danielson St.
Poway, CA 92064

Mailing Address:

TierraNet
P.O. BOX 502010
San Diego, CA 92150-2010

Phone: (858) 560-9416

Fax: (858) 560-9417

IV. Language of Proceedings

- [10.] To the best of the Complainant's knowledge, English is the language of the Registration Agreements, copies of which are provided as Annexes 2 and 3 to this Complaint.

V. Jurisdictional Basis for the Administrative Proceeding

- [11.] This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreements, pursuant to which the domain names that are the subject of this Complaint are registered, incorporate the Policy. True and correct copies of the Policies that apply to the domain names in question are provided as Annexes 3 and 4 to this Complaint.

VI. Factual and Legal Grounds

[12.] This Complaint is based on the following grounds:

A. The Domain Names <RonPaul.com> and <RonPaul.org> Are Identical to the Complainant's RON PAUL Mark.

Ron Paul's Rights in the Mark

United States Congressman Ron Paul of Texas is a well known American physician, author, political commentator and public speaker. He has served as the U.S. Representative for the 14th Congressional District of Texas since 1997. He is a three-time candidate for President of the United States.

Ron Paul enjoys a national reputation in the United States as the premier advocate for liberty in American politics today. Dr. Paul is the leading spokesman in Washington, D.C. for limited constitutional government, low taxes, free markets, and a return to sound monetary policies based on commodity-backed currency.

Ron Paul served in the United States Congress during the late 1970s and early 1980s. He served on the House Banking committee, where he was a strong advocate for sound monetary policy and an outspoken critic of the Federal Reserve's inflationary measures. He also was a key member of the Gold Commission, advocating a return to a gold standard for U.S. currency. In 1984, he voluntarily relinquished his House seat and returned to his medical practice.

Dr. Paul returned to the United States Congress in 1997 to represent the 14th Congressional district of Texas. He serves on the House Financial Services Committee, and the Foreign Affairs Committee. On the Financial Services Committee, Rep. Paul serves as the chairman of the Subcommittee on Domestic and Monetary Policy. He continues to advocate a dramatic reduction in the size of the federal government and a return to constitutional principles.

Ron Paul has authored seven books, including, *Liberty Defined: 50 Essential Issues That Affect Our Freedom* (2011) (New York Times Best Seller), *End The Fed* (2009) (New York Times Best Seller), *The Revolution: A Manifesto* (2008) (New York Times Best Seller), *Pillars of Prosperity* (2008), *A Foreign Policy of Freedom: Peace, Commerce, and Honest Friendship* (2007), *Freedom Under Siege* (2007), and *The Case for Gold* (1982). In promoting the sale of these books, Ron Paul's publishers have gone to great lengths to emphasize that Ron Paul is the author. His name appears prominently on the cover of each book, and his likeness appears on the cover of several of them. His publishers have also gone to great lengths to place these books on the shelves of retail outlets, both physical and virtual. Ron Paul's success in book sales is evidenced by three of his books being placed on The New York Times Best Seller List.

Additionally, Ron Paul has been a distinguished counselor to the Ludwig von Mises Institute, and is widely quoted by scholars and writers in the fields of monetary policy, banking, and political economy. He has received many awards and honors during his career in Congress, from organizations such as the National Taxpayers Union, Citizens Against Government Waste, the Council for a Competitive Economy, and countless others.

Ron Paul is also a well-known political commentator and public speaker. He has been in the American political spotlight since the 1970s. As an Internet search for the name "Ron Paul" reveals, Dr. Paul has had substantial amounts of unsolicited media coverage relating to his political campaigns and his public speeches, political articles, and television

appearances. The words “Ron Paul” have become synonymous with Dr. Paul’s political writings and discourse. See Affidavit of Ron Paul, attached hereto as Annex 5.

Ron Paul is the owner of the RON PAUL U.S. trademark. Ron Paul has acquired rights in the mark by virtue of its use within the United States, including a large volume of sales of Dr. Paul’s books. The RON PAUL mark has achieved a secondary meaning associated with Ron Paul sufficient to establish common law trademark rights. RON PAUL has long been associated with Dr. Paul’s books, articles, public appearances, and political commentary.

It is well-established that trademark rights may be established by use of a mark and that the mark need not be registered in order for the trademark owner to have standing in a UDRP proceeding. See *British Broad. Corp. v. Rentieria*, WIPO Case. No. D2000-0050 (2000) (“[T]he Uniform Policy is applicable to unregistered trademarks and service marks.”) Ron Paul has used the RON PAUL mark in commerce since at least 1982 in connection with his authorship of books. The RON PAUL mark has achieved a secondary meaning in the public’s view that distinguishes Ron Paul’s goods and services from those of others. See *Johnson v. Belize Domain Whols Service Lt.*, 2011 UDRP Lexis 125 (2011) (sufficient rights found where the complainant was a mayor who also an author, journalist, and “after-dinner speaker/entertainer”); see also *Clinton v. Michele Dinoia*, 2005 WL 853535 (UDRP-ARB Dec. 2005) (finding sufficient rights in the HILLARY CLINTON mark stemming from its use and exposure in the marketplace and political activities); see also *Roberts v. Boyd*, 2000 UDRP Lexis 164 (2000) (concluding that the actress Julia Roberts had acquired common law rights to her name).

The Domain Names <RonPaul.com> and <RonPaul.org> Are Identical to Complainant’s RON PAUL Mark

The domain names <RonPaul.com> and <RonPaul.org> are identical to the RON PAUL mark, in which Ron Paul has a common law trademark right. The domain names incorporate the RON PAUL mark in its entirety. The only difference between them is the addition of the TLD suffixes “.com” and “.org,” which is irrelevant for purposes of the UDRP. See *Clinton v. Michele Dinoia*, 2005 WL 853535 (UDRP-ARB Dec. 2005) (finding that the addition of “.com” was irrelevant under UDRP); see also *Pomellato S.p.A v. Tonetti*, D2000-0493 (WIPO July 7, 2000) (finding <pomellato.com> identical to complainant’s mark because the “.com” after the name POMELLATO is not relevant); see also *Entrepreneur Media, Inc. v. Smith*, 279 F.3d 1135, 1146 (9th Cir. 2002) (“Internet users searching for a company’s Web site often assume, as a rule of thumb, that the domain name of a particular company will be the company name or trademark followed by ‘.com.’”).

For all of these reasons, the domain names <RonPaul.com> and <RonPaul.org> are identical to the Complainant’s RON PAUL mark. Accordingly, the requirement of Section 4(a) of the UDRP is satisfied.

B. Respondents Have No Rights or Legitimate Interest in the Domain Names <RonPaul.com> or <RonPaul.org>

No Bona Fide Offering of Goods or Services

Respondents can demonstrate no legitimate purpose for registering domain names identical to Complainant’s RON PAUL mark. As noted above, Ron Paul’s name and his associated RON PAUL mark have become synonymous with the Complainant and his books, articles, public appearances, and political commentary. Ron Paul has no relationship with the Respondents and has not authorized the Respondents to use the RON PAUL name. There is

ample authority to the effect that registration of a mark by an entity that has no relationship to the mark itself creates a strong presumption that the Respondent lacks a legitimate interest in the domain name. See *Pfizer Inc. v. NA*, WIPO Case No. D2005-0072; *AT&T Corp. v. John Zuccarini d/b/a Music Wave and RaveClub Berlin*, WIPO Case No. D2002-0440; *America Online, Inc. v. Anson Chan*, WIPO Case No. D2001-0004; *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. D2000-0163; *Centurion Bank of Punjab Limited v. West Coast Consulting, LLC*, WIPO Case No. D2005-1319.

There is no evidence that Respondents have used <RonPaul.com> or <RonPaul.org> in connection with a bona fide offering of goods or services. The analysis of this element overlaps with that of the bad faith element. *Kaisha v. Kobayashi*, 2010 UDRP Lexis 1676, 11 (2010) (holding that the “Panel’s analysis here overlaps its analysis of the third requirement, registration and use in bad faith.”); see also *Johnson v. Belize Domain WhoIs Service Ltd.*, 2011 UDRP Lexis 125, 13-16 (2011) (finding that links on respondent’s website showed both the rights and legitimate interests element and bad faith element of UDRP 4(b)). Under the UDRP, bad faith can be shown where the respondent registered the domain name primarily for the purpose of selling it to the trademark owner or to a competitor of that complainant, for consideration in excess of respondent’s out-of-pocket costs. UDRP 4(b)(i).

Here, Respondents offered to sell <RonPaul.com> to Complainant for \$848,000. In response to an e-mail from Complainant’s representative, Chris Younce, inquiring if Respondent would sell <RonPaul.com>, George R. <georger1776@gmail.com> responded, “Yes, it’s currently for sale at \$848,000. This is for the domain name only and does not include the website or other content. We could use Escrow.com or Sedo.com for an immediate transaction.” See Affidavit of Chris Younce, attached hereto as Annex 6. Respondents later offered to sell <RonPaul.com> to Complainant for \$250,000 and to provide <RonPaul.org> as a “free gift” with the purchase of <RonPaul.com>. See Affidavit of Ron Paul, attached as Annex 7. The demanded sale price is exorbitant and must exceed Respondent’s out-of-pocket registration costs. According to Fabulous.com, Respondent’s registration cost would have been no more than \$9.99 to \$29.99. See Annex 8. The sale price is also far in excess of the fair market value of the domain name, which Complainant has had appraised at \$50,000. Apart from registering the domain name, Respondent’s only action in regard to the domain name was leasing it to a third party for a fee.

This clearly shows that Respondents registered <RonPaul.com> and <RonPaul.org> with the intention of selling them to Complainant for more than out-of-pocket costs. In *Asper v. Communication X, Inc.*, 2001 UDRP Lexis 734, 33-34 (2001), a WIPO panel held that the respondent’s e-mail stating, “[p]lease contact me so we can discuss my ownership of the domain names,” showed bad faith. Respondent’s offer here was even more explicit – it is not just an implied offer to sell, but a specific demand for a price far in excess of costs. Likewise, in *Mahindra & Mahindra Ltd. v. Kabeer Chaudhary*, 2011 UDRP Lexis 3058, 9 (2011), the respondent formed a website under the disputed domain name and posted on the website that the domain name was for lease or sale. A WIPO panel held that the respondent showed bad faith and was not using the domain name in connection with a bona fide offering of goods or services. *Id.* at 17-18.

Respondents¹ Are Not Commonly Known by <RonPaul.com> or <RonPaul.org>

As a simple Google Internet search shows, the name RON PAUL is commonly used to refer only to the Complainant or his books and political commentary.² There is no

¹ Upon information and belief, Respondents are the same individual. As discussed, “Tim Martin” offered to sell both domain names to Complainant.

suggestion whatsoever that Respondents are commonly referred to by the name Ron Paul, RonPaul.com or RonPaul.org, or that they have any legitimate association with the terms. See, e.g., *Warner Bros. Entertainment Inc. v. Cavenger Corp c/o Michael Hardaway*, NAF No. FA0712001118408; *Gallup, Inc. v. Amish Country Store*, NAF No. FA 96209; see also *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO D2000-0020 (finding no rights or legitimate interests where the respondent was not commonly known by the mark and never applied for a license or permission from the complainant to use the trademarked name). In fact, in pre-Complaint dealings, Complainant's representative corresponded with the Respondents, whose e-mail address identified him as "George R." <georger1776@gmail.com>.³ Later correspondence with Complainant's son identified the Respondent as "Tim Martin." When a domain name is an individual's full name, evidence that the respondent has a different name than the domain name is enough to make a *prima facie* case that the respondent is not commonly known by the domain name. See *King v. Alberta Hot Rods*, 2005 UDRP Lexis 389, 8 (2005) (WIPO panel held that respondent, Alberta Hot Rods, is not commonly known as "Larry King," and therefore has no right or legitimate interest in the domain name <larryking.com>); see also *Clinton v. Dinoia*, 2005 WL 853535, 5 (2005) (holding respondent, Michele Dinoia, a/k/a SZK.com, is not commonly known as "hillaryclinton.com").

No Legitimate Noncommercial or Fair Use of <RonPaul.com> or <RonPaul.org>

Respondents clearly are using <RonPaul.com> and <RonPaul.org> commercially. When a respondent profits from a domain name, it is not making legitimate noncommercial or fair use of the domain name. *King v. Alberta Hot Rods*, 2005 UDRP Lexis 389, 9 (2005). In this case, the Respondents are using <RonPaul.com> for commercial purposes in three ways: (1) Respondents are leasing <RonPaul.com> to a third party for a fee; (2) Respondents has offered to sell <RonPaul.com> and <RonPaul.org> to Complainant for \$848,000 (now \$250,000); and (3) Respondents are selling Ron Paul merchandise on the websites, including Ron Paul bumper stickers, t-shirts, posters, mugs, speakers, mousepads, shoes, ties and other "Ron Paul" gear, as well as advertising on the sites. A screenshot from <RonPaul.com> is attached hereto as Annex 9. In *King*, a WIPO panel found that the respondent showed intent for commercial gain because its website displayed commercial banners from which respondent profited. *King* at 9. The panel held that this respondent's use was not legitimate noncommercial or fair use. *Id.* Here, Respondents show a greater intent to profit from the domain names than the respondent in *King*. While the *King* respondent used the domain name to indirectly profit, by running a website that posted advertisements, Respondents are profiting directly from the domain names by selling ownership interests in the domain names (in addition to running advertisements, as did the respondent in *King*). This evidence shows that Respondents are not making legitimate noncommercial or fair use of <RonPaul.com> or <RonPaul.org>.

As the foregoing makes clear, Respondents cannot show any legitimate interest in registering the domain names <RonPaul.com> and <RonPaul.org>.

C. The Evidence Plainly Establishes that Respondents Registered and Are Using the Domain Names in Bad Faith

The evidence indicates that Respondents registered domain names which wholly incorporate and are identical to Complainant's famous RON PAUL mark. Respondents have attempted to use their registration of the domain names <RonPaul.com> and <RonPaul.org>

² A search for the term "Ron Paul" returns page after page of results referring to the Complainant or his books and political commentary.

³ According to the concerned registrar's WhoIs database, the Respondent is anonymus and is identified only as Whois Privacy Service Pty Ltd Customer ID : 95459852061642.

to force Complainant to pay an amount far in excess of the registration costs to obtain transfer of the domain names. Furthermore, the domain names purport to be noncommercial fan sites, but they clearly are primarily a pretext for commercial advantage. The domain names are being used to sell Ron Paul merchandise by third party vendors which competes directly with the Complainant. There can be no doubt that the Respondents have registered and are using the name in bad faith.

It is well-established that registration of a domain name that is confusingly similar to a famous trademark by any entity that has no relationship to that mark is itself sufficient evidence of bad faith registration and use. *See Ebay Inc. v. Wangning*, WIPO No. D2006-1107 and cases cited therein; *Wal-Mart Stores, Inc. v. James D'Souza*, NAF No. FA0708001060854 ("The Panel notes that it has been long established by prior UDRP panels that bad faith registration and use of disputed domain names may be based solely on the worldwide fame of the trademarks or service marks to which those names are confusingly similar, if the respondent has no connection to the corresponding complainant or its goods or services."); *Chanel, Inc. v. Buybeauty.com*, WIPO No. D2000-1126 ("CHANEL is an immediately recognizable and famous mark that exclusively identifies Complainant. ...Given that Respondent has no connection with Complainant and has never been authorized by Complainant to use the CHANEL mark, the very fact that Respondent has registered buychanel.com establishes bad faith use and registration."); *Guerlain S.A. v. SL Blancel Web*, WIPO No. D2000-1191.

As discussed above, the evidence indicates that Respondents registered the domain names primarily for the purpose of renting or selling them to Complainant or Complainant's competitors. Respondents offered to sell the domain names to Complainant for an exorbitant amount of money. The \$848,000 (now \$250,000) asking price by Respondents is far in excess of any out-of-pocket costs that are related to the domain names. *See Rattner v. Buythisdomainname*, WIPO D2000-0402 (2000) (finding bad faith where the respondent attempted to sell the domain name to complainant for £7,500 and later auctioned off the name online). Currently, the domain names are being leased to a third party who is in competition with Complainant. While this third party is not a party to this Complaint, he does utilize the domain names in a way that directly competes with Complainant's merchandise sales.

Further evidence of bad faith comes from Respondents' registration and use of the domain names to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with Complainant's RON PAUL mark. *See UDRP Rule 4(b)(iv)*. In this case, Respondents must have known of Complainant's famous mark prior to registering the domain names. Respondents registered the domain name, utilizing the Complainant's mark, in order to suggest to internet users a connection between the domain names and Complainant. This is misleading and supports a finding of bad faith registration. *Ebay Inc. v. Wangning*, WIPO Case No. Case No. D2006-1107 (2006).

Respondents registered domain names that are identical to Complainant's trademark. In doing so, they are exploiting Complainant's mark by leasing it for a profit to others who also wish to commercially gain from the name. Internet users frequently look for a particular product or famous person by entering the name of that product followed by dot-com. *Entrepreneur Media, Inc. v. Smith*, 279 F.3d 1135, 1146(9th Cir. 2002) ("Internet users searching for a company's Web site often assume, as a rule of thumb, that the domain name of a particular company will be the company name or trademark followed by '.com.'").

In this case, such a practice would lead users to the Respondents' sites where they would find photos and videos of Complainant as well as merchandise that is virtually identical to what Complainant sells. There is a high likelihood that users will be confused and believe that Complainant is the website's source, sponsor, or is some way affiliated with

or endorses the website. If not for this likelihood of confusion, the rental value of the domain names would be significantly decreased.

The foregoing evidence amply demonstrates that the Respondents have registered and are using the disputed domain names in bad faith. Indeed, it would be difficult to imagine a more compelling example of cybersquatting as that represented by Respondents' conduct here.

VII. Remedies Requested

- [13.] In accordance with Paragraph 4(i) of the Policy, for the reasons described in Section VI. above, the Complainant requests the Administrative Panel appointed in this administrative proceeding that <RonPaul.com> and <RonPaul.org> be transferred to the Complainant.

VIII. Administrative Panel

- [14.] The Complainant elects to have the dispute decided by a single-member Administrative Panel.

IX. Mutual Jurisdiction

- [15.] In accordance with Paragraph 3(b)(xiii) of the Rules, the Complainant will submit, with respect to any challenges that may be made by the Respondent to a decision by the Administrative Panel to transfer or cancel the domain name that is the subject of this Complaint, to the jurisdiction of the courts at the location of the principal office of the concerned registrar TierraNet, in Poway, California.

X. Other Legal Proceedings

- [16.] None.

XI. Communications

- [17.] A copy of this Complaint, together with the cover sheet as prescribed by the Supplemental Rules, has been sent or transmitted to the Respondents on February 7, 2013 by e-mail to 95459852061642-lef430@whoisprivacyservices.com.au and privacy@emailaddressprotection.com.
- [18.] A copy of this Complaint has been sent or transmitted to the concerned registrar on February 7, 2013 by e-mail to support@fabulous.com.
- [19.] This Complaint is submitted to the Center in electronic form, including annexes, in the appropriate format.

XII. Payment

- [20.] As required by the Rules and Supplemental Rules, payment in the amount of USD \$1,500 has been made by check.


XIII. Certification

- [21.] The Complainant agrees that its claims and remedies concerning the registration of the domain names, the dispute, or the dispute's resolution shall be solely against the

domain name holders and waives all such claims and remedies against (a) the WIPO Arbitration and Mediation Center and Panelists, except in the case of deliberate wrongdoing, (b) the concerned registrar(s), (c) the registry administrator, (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

- [22.] The Complainant certifies that the information contained in this Complaint is to the best of the Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,



J. Douglas Cuthbertson
Attorney for Ron Paul

Date: February 7, 2013

XIV. List of Annexes

1. Concerned registrars' WhoIs database searches conducted on February 6, 2013
2. Fabulous.com Registration Agreement
3. TierraNet Registration Agreement and Domain Name Dispute Resolution Policy
4. Fabulous.com Domain Name Dispute Resolution Policy
5. Affidavit of Ron Paul
6. Affidavit of Chris Younce
7. Affidavit of Ron Paul
8. Fabulous.com Information Center
9. Screenshot from <RonPaul.com>